

EG:APW  
F. #2020R00665

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

MICHAEL FEENEY,

Defendant.

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**Submitted Under Seal**

AFFIDAVIT AND COMPLAINT IN  
SUPPORT OF AN APPLICATION FOR  
AN ARREST WARRANT

20-891 M

(18 U.S.C. § 875(c))

EASTERN DISTRICT OF NEW YORK, SS:

John Smith, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about July 24, 2020, the defendant MICHAEL FEENEY did knowingly and intentionally transmit in interstate commerce, from the Southern District of Florida to the Eastern District of New York, a communication containing a threat to injure the person of another, to wit: a threat to kill and cause serious bodily injury to John Doe and his family, individuals whose identities are known to the affiant.

(Title 18, United States Code, Section 875(c))

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been since 2016. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the audio recordings; and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in substance and in part. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

2. An attorney (hereinafter "Attorney 1"), an individual whose identity is known to the affiant, represented John Doe, an individual whose identity is also known to the affiant, in a criminal prosecution in Queens County, New York. The accusation in that case was that John Doe, who is Black, punched a white male one time, causing the male to hit his head and die from his injuries. In February of 2020, John Doe was convicted, after a bench trial, of assault in the third degree, a misdemeanor, and on July 23, 2020, was sentenced to probation and community service. This case received media coverage.

3. One day after the sentencing, on July 24, 2020, at approximately 1:27 p.m. (Eastern Time), the law office of Attorney 1 received a voicemail on a landline telephone located in Queens, New York. In the voicemail, a male caller stated, "this is for the n\*\*\*\*r lover [last name of Attorney 1]" and then stated that the "judge made it perfectly

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<sup>1</sup> Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

clear,” “we can beat him to death and we get probation and community service.” The caller then says that Attorney 1 should let his client know that he should hire a lot of security, because “we know where everyone of his family members live” and “we will execute that n\*\*\*\*r’s family. They will be hunted down and fucking beaten to death.” Based on the content of the voicemail, the fact that Attorney 1 represented John Doe and the temporal proximity of the telephone call to the sentencing, there is probable cause to believe that the male caller was referring to John Doe and intended for Attorney 1 to convey the message to John Doe. Telephone records show that the voicemail was left by a telephone number with a 954 area code and ending in 4200 (hereinafter, the “4200 Telephone”) and that the caller dialed \*67 before calling Attorney 1’s law office to attempt to conceal the 4200 Telephone. A telephone user may block their telephone number from appearing on a telephone’s caller identification function by first dialing \*67 prior to dialing the telephone number the user wishes to call.

4. As of July 24, 2020, the 4200 Telephone was assigned to a cellular telephone and subscribed to by a female (hereinafter, “Individual 1”) who is the spouse of the defendant MICHAEL FEENEY. The address listed in the subscriber information for the 4200 Telephone is an apartment in Palm City, Florida (hereinafter, the “Florida Residence”), which is the address listed on FEENEY’s driver’s license. At the time of the telephone call to Attorney 1, the 4200 Telephone was in the vicinity of the Florida Residence in Palm City, Florida.

5. I have reviewed records from the health insurance company Humana. Those records state that Michael Charles Feeney is an account holder with Humana, and that

his address is the Florida Residence and his spouse is Individual 1. The phone number registered to Michael Charles Feeney on that account is the 4200 Telephone.

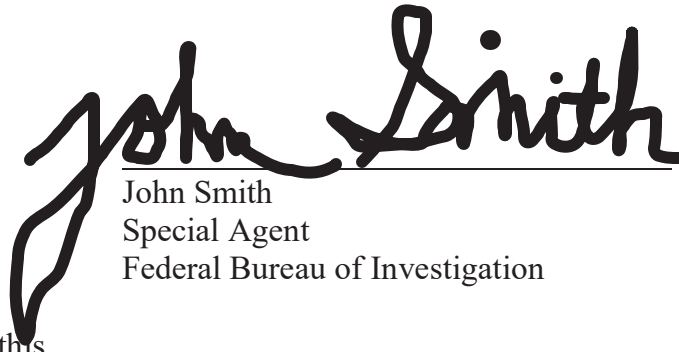
6. I have also listened to an audio recording from Humana between a Humana agent and individual who identifies himself as Michael Feeney. On that recording, the individual who identifies himself as Michael Feeney is inquiring about the cost of co-pays for a medical treatment.

7. I have listened to this voicemail and listened to the voice recording of Michael Feeney provided by Humana, and concluded that that the same person made both calls.

#### REQUEST FOR SEALING


8. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and arrest warrant, as disclosure would give the defendant an opportunity to change patterns of behavior and flee from or evade prosecution and therefore have a significant and negative impact on the continuing investigation that may severely jeopardize its effectiveness.

WHEREFORE, your deponent respectfully requests an arrest warrant for the defendant MICHAEL FEENEY, so that he may be dealt with according to law.

A handwritten signature in black ink that reads "John Smith". The signature is written in a cursive style with a large, looped "J" and "S".

John Smith  
Special Agent  
Federal Bureau of Investigation

Sworn to before me by telephone this  
4 day of October, 2020

A handwritten signature in black ink that reads "Lois Bloom". The signature is written in a cursive style with a large, looped "L" and "B".

THE HONORABLE LOIS BLOOM  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK